

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
BENJAMIN GORDON,

Plaintiff,

-against-

DOVIE REALTY LLC,

Defendant.
-----X

per 18/15
FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ **SEP 18 2015** ★
(Q)

BROOKLYN OFFICE

MEMORANDUM
AND ORDER
15-CV-5375 (ENV)

Since the entry of this Court's Memorandum and Order, dated September 17, 2015, the clerk has discovered a copy of the Notice of Eviction issued to the City Marshall by the Civil Court of the City of New York, County of Kings, on September 11, 2015.

It references a state court judgment granting the relief plaintiff asks the Court to stay. The Court reconsiders its order in light of the now discovered Notice of Eviction and, finding plaintiff's likelihood of success in this action to be most improbable, adheres to its original decision denying the request for a temporary restraining order. The balance of his proposed order to show cause and his request to proceed *in forma pauperis* remains under review.

In the interim, the Court reminds plaintiff that he may have remedies available in the state courts, including seeking a stay of the eviction itself in the court that ordered it.

So Ordered.

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1/9/ USDJ VITALIANO

Eric N. Vitaliano
United States District Judge

Dated: September 18, 2015
Brooklyn, New York

Chm



Handwritten initials or signature in the bottom right corner.